

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

February 25, 2004

DIVISION ONE

[illegible]

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

B166018 Los Angeles County, D.C.S. (Not for Publication)  
B167910 v.  
Tanya T.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Mallano, J.

B164220 People (Not for Publication)  
B168699 v.  
Malveaux

The judgment is affirmed. Defendant's petition for writ of habeas corpus is denied.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

## DIVISION ONE (Continued)

B162629 People (Not for Publication)  
v.  
Vasquez

The judgment is modified by (A) vacating the 10-year enhancement imposed under subdivision (b) (1)(C) of section 186.22, and (B) imposing in its place the enhancement required by subdivision (b) (5) of section 186.22, to wit, that Vasquez shall not be paroled until a minimum of 15 calendar years have been served; as modified, the judgment is affirmed and the court is remanded to the trial court with direction to issue a corrected abstract of judgment and forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Mallano, J.

[illegible]

The judgment of conviction is affirmed. The 5 five year-year enhancements imposed pursuant to Penal Code section 667, subdivision (a), are stricken. The clerk of the court is directed to prepare a corrected abstract of judgment striking these enhancements, reflecting a conviction under Vehicle Code section 2800.2, and crediting defendant with 1047 days of presentence custody credits: 699 days of actual credit and 348 days of good time/work time credit. The clerk is to forward a copy of the corrected abstract of judgment to the Department of Corrections.

Spencer, P.J.

I concur: Mallano, J.  
I concur: Ortega, J.(Opinion)

February 25, 2004 (Continued)

## DIVISION ONE (Continued)

B164666 People v. Davin (Not for Publication)

The judgment (1) is reversed insofar as Davin's sentence was stayed on the section 667.5, subdivision (b), enhancements abased on his convictions in case numbers A358612 and BA189929; (2) modified to reflect that the concurrent sentences imposed on counts 2,3,5,16 and 8 are stayed; and (3) as modified, the judgment is affirmed and remanded to the trial court with directions (a) to determine whether to strike or impose sentence on the two stayed section 667.5, subdivision (b), enhancements and (b) to enter a corrected abstract of judgment and forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Mallano, J.

## DIVISION TWO

B168753      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Juan L., Sr.

The orders are affirmed.

Ashmann-Gerst, J.

We concur:   Nott, Acting P.J.  
Doi Todd, J.

DIVISION THREE

B156420      Renee Walker                      (Certified for Publication)

v.

Los Angeles County Metropolitan Transportation Authority

Walker's purported appeal from the order denying her motion for new trial is dismissed. The parties shall bear their respective costs on appeal.

Klein, P.J.

We concur:    Croskey, J.  
                      Kitching, J.

DIVISION FIVE

B166421      People                                      (Certified for Partial Publication)

v.

Michael Black

The judgment is affirmed.

Turner, P.J.

We concur:    Grignon, J.  
                      Armstrong, J.

B165886      Erwin J. Necheles, et al.      (Not for Publication)

v.

City of Los Angeles

The judgment is affirmed. Plaintiffs, Erwin J. and Ann Necheles, are to recover their costs on appeal from defendant, the City of Los Angeles.

Turner, P.J.

We concur:    Grignon, J.  
                      Mosk, J.

February 25, 2004 (Continued)

DIVISION SIX

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

B164857 People (Not for Publication)  
v.  
Coffman

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

B166414      People                                  (Certified for Publication)  
v.  
Seneca Insurance Company

The judgment is affirmed. Costs on appeal are awarded to respondent.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

February 25, 2004 (Continued)

## DIVISION SIX (Continued)

B161862 Pflum (Not for Publication)  
v.  
Sears, Roebuck & Co.

The second amended judgment is affirmed. Costs on appeal are awarded to Respondent.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

DIVISION SEVEN

B165714      401 E. Second Street, LLC      (Not for Publication)  
v.  
City of Los Angeles

The judgment of the superior court is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.  
Johnson, J.

B162576 People (Not for Publication)  
v.  
Washington

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.  
Woods, J.

DIVISION SEVEN (Continued)

B165475     People  
              v.  
              Vanegas

Filed order denying petition for rehearing.

DIVISION EIGHT

Court convened at 9:08 A.M.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk

Each of the following:

B161493 People v. Ammons  
B163483 People v. Bastidas  
B164879 People v. Chavez and Calderon  
B165784 People v. Toy  
B165909 People v. Uribe  
B167065 People v. Edgar C.  
B167231 People v. Salazar  
B168491 People v. Johnson  
B168658 People V. Beltran, et al.

Argument waived, cause submitted.

B162129     People  
              v.  
              Tillet, et al.

Merits:

Argued by John L. Staley for appellant and by John Yang, Deputy Attorney General for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B165715     People  
              v.  
              Loya

Merits:  
Argued by Leonard J. Klaif for appellant and by John Yang, Deputy Attorney General for respondent. Cause submitted.

B155890     Lehman  
              v.  
              Byrne, et al.

Merits:  
Argued by Douglas G. Benedon for appellant and respondent and by Armando N. Galvan for respondent and appellant. Cause submitted.

B156032     People  
              v.  
              Sales

Merits:  
Argued by Steffan Imhoff for appellant and by Robert D. Breton, Deputy Attorney General for respondent. Cause submitted.

B166704     Wilshire State Bank  
              v.  
              St. Paul Mercury Insurance Company

Merits:  
Argued by Peter Y. Lee for appellant and by Walter J. Lipsman for respondent. Cause submitted.



DIVISION EIGHT (Continued)

B160417     People  
              v.  
              Shabazz

Merits:  
Argued by Christine Vento for appellant and by Linda C. Johnson, Deputy  
Attorney General for respondent. Cause submitted.

B162234     Gottfurcht  
              v.  
              American Motorist Insurance

Merits:  
Argued by Sheldon Eisenberg for appellant and by Steven J. Cote for  
respondent. Cause submitted.

B163813     Solomon  
              v.  
              U.S. Trust Company, et al.

Oral argument continued to March 24, 2004, at 9:00 a.m.

Court adjourned at 11:30 A.M.